

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

CITY SELECT AUTO SALES, INC., a New Jersey  
corporation, individually and as the representative of a  
class of similarly situated persons, Plaintiff,

v.

DAVID RANDALL ASSOCIATES, INC., et al, Defendants.

Case No. 11-2658 (JBS-KMW)

**NOTICE OF PENDING CLASS ACTION**

**PLEASE READ THIS NOTICE CAREFULLY. THIS IS NOT AN ATTEMPT TO COLLECT  
MONEY FROM YOU. IT IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.**

To: All persons or entities, with whom David Randall Associates did not have an established business relationship, who were successfully sent one or more unsolicited faxes during the period March 29, 2006, through May 16, 2006, stating, "ROOF LEAKS??? REPAIRS AVAILABLE Just give us a call and let our professional service technicians make the repairs!" and "CALL: David/Randall Associates, Inc. TODAY."

**A. WHY ARE YOU RECEIVING THIS NOTICE?**

You are receiving this Notice because you are a member of the Class (defined above). Your name and contact information (including your fax number) were identified in discovery in the lawsuit. This notice informs you about this pending lawsuit, that you may be a member of the Class, and that you have certain rights to participate in or exclude yourself from the lawsuit. This Notice is not an expression by the Court about the merits of the case.

**B. WHAT IS THIS LAWSUIT ABOUT?**

In the lawsuit, Plaintiff claims that Defendants violated the federal Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (the "TCPA") by faxing advertisements to the members of the Class without their prior express invitation or permission. Plaintiff seeks money damages for every Class member. The Court certified the case as a class action so that the claims about Defendants' faxes can be resolved class-wide in this single lawsuit. The Court's decision to certify the class as a class action did not decide any of the merits of the case. Plaintiff contends that 44,382 advertising faxes were successfully sent to 29,113 unique fax numbers at the direction of Defendants. Defendants deny Plaintiff's allegations and any liability to the Class. This description of the case is general and does not cover all the issues or proceedings.

**C. WHO REPRESENTS THE CLASS?**

The Court appointed Plaintiff (City Select Auto Sales, Inc.) as the class representative, and appointed Plaintiff's attorneys as Class Counsel:

Bock & Hatch, LLC 134 N. La Salle St., Ste. 1000 Chicago, IL 60602	Sherman, Silverstein, Kohl, Rose & Podolsky, P.A. 308 Harper Drive, Suite 200 Moorestown, NJ 08057	
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Class Counsel represents the entire class. You have the right to retain your own attorney at your own expense to assist you in this case, but need not do so. You have the right to attend any hearing in this matter.

**D. WHAT ARE YOUR OPTIONS?**

You can remain in the Class or exclude yourself from the Class. Each choice has certain risks and consequences. You can discuss your choice with Class Counsel or your own attorney. The Court will exclude anybody who exercises his right to be excluded from the Class and this case.

**1. Do Nothing.**

If you do nothing, you will remain a member of the Class. You will lose your right to file your own separate lawsuit against Defendants about their advertising faxes and you will be bound by the result of the lawsuit, whether that result is favorable or unfavorable. If Plaintiff prevails or if the parties reach a settlement, you will be entitled to a recovery in the amount the Court finds fair and reasonable. If Plaintiff prevails, you may receive up to \$500.00 for each fax sent to you. If the Court finds that Defendants violated the TCPA willfully or knowingly, the Court may, in its discretion, increase the amount of the award up to \$1,500 for each violation.

As a member of the Class, you will be represented by Class Counsel. This representation is entirely contingent; that is, Class Counsel will only be paid if they are successful and you will not have to pay them anything if they are unsuccessful. You will not have to pay any money as a result of staying in the Class, except that attorneys' fees may be deducted from any recovery to the Class. If you have not requested to be excluded from the class and should choose to file a separate appearance, you must do so on or before \_\_\_\_\_, 2014.

**2. Opt Out of the Class.**

You have the right to exclude yourself from the class action by sending a written request for exclusion to the Clerk of the U.S. District Court, District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street Room 4015, Newark, NJ 07101. If you exclude yourself from the Class, you will retain any claims you might have against Defendants, you will not be bound by any judgment or disposition of this case, and you will not share in any recovery awarded by the Court or provided in a settlement agreement. Your request for exclusion must be postmarked on or before \_\_\_\_\_, 2014. You must also send a request for exclusion on the attorneys for the Plaintiff at the following address, filed and postmarked by the same date:

Jonathan B. Piper  
David Randall – Opt Out Request  
Bock & Hatch, LLC  
134 N. La Salle St., Ste. 1000  
Chicago, IL 60602

Class Counsel will inform the Court and Defendants' attorneys of your exclusion request.

**E. HOW DO I LEARN MORE ABOUT THE LAWSUIT?** You can view and copy the papers for this case (at your own expense) in the Clerk's Office of the U.S. District Court, District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street Room 4015, Newark, NJ 07101. If you have specific questions, you can write to Class Counsel. You may also call Plaintiff's attorneys Tod A. Lewis or Jonathan B. Piper at 312-658-5500.

**Do not contact the Judge, the Judge's staff, or the Clerk of the Court because they cannot answer your questions or give you advice about this case.**

**BY ORDER OF THE COURT - HON. JEROME B. SIMANDLE**